



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

CORRECTED

February 6, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

NOVEMBER 9, 2012 CHIEF EXECUTIVE OFFICE BOARD MEMORANDUM IN RESPONSE TO THE BOARD MOTION OF JUNE 19, 2012, ITEM NO. 48 REPORT ON LOS ANGELES COUNTY RESPONSE TO LARGE SCALE DISASTER DEBRIS REMOVAL EFFORTS

On November 9, 2012, the Chief Executive Officer (CEO) responded to the Board regarding the June 19, 2012 motion by Supervisor Ridley-Thomas, instructing the CEO, in conjunction with the Department of Public Works (DPW), to report back as to whether a procurement process would be beneficial to identify a prime and secondary contractor that could handle clean-up cost of over \$100 million. The Board also directed that if a procurement process is found to be beneficial, a summary of the proposed procurement process is to be provided in the report (Attachment I).

Concerns have been expressed that the November 9, 2012 memorandum to the Board was not entirely responsive to the Board's June 19, 2012 direction. Specifically, the Board directed us to provide a summary of the qualifications required and the proposed procurement process and bring that report back to the Board prior to executing a procurement process.

In our review of whether such a procurement process would be beneficial to the County, it was determined that it would be and such a process is supported by the Federal Emergency Management Agency (FEMA). The pre-qualification procurement model

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allows the local agency to have a "bench" of well qualified contractors pre-disaster and then develop a precise scope of work (e.g., geographic area of the County for the work, type of debris that will be handled, the location of disposal and recycling sites, etc.) post-disaster. Using this procurement model, the County is ensuring that:

- Bids will ultimately be coming from contractors that are fully capable and best qualified to perform the work;
- A financial commitment in the order of magnitude above \$100 million is not being made. Rather, this encumbrance of contract authority would not be made until after the actual disaster event;
- Competition amongst these best qualified bidders will yield the most cost effective contract amount; and
- The contractor that is ultimately selected has agreed in advance that it will comply with applicable Federal, State, and local contracting requirements. It would also allow the County to clearly stipulate our contracting requirements and/or expectations such as small business participation in advance of a competitive bid solicitation.

To further reinforce the encouragement, FEMA is giving to using a pre-qualification procurement model. FEMA has made it clear that it prohibits the selection of a debris removal contractor on a sole source basis, as well as any cost bidding for work that is done with a scope of work that is not well defined and/or is predicated on a time and materials basis.

DPW initiated the Request for Statement of Qualifications (RFSQ) on December 26, 2012, and responses were due January 31, 2013. Since concerns have been raised, DPW has suspended the RFSQ process until the Board's consideration and approval to proceed. DPW has filed a Board Letter requesting resumption of process currently targeted for the February 12, 2013 Board Meeting (Attachment II).

The former Board action on June 19, 2012 authorizing the award of ten contracts for as-needed emergency debris removal services in an aggregate program sum of \$25 million is not impacted by the RFSQ.

Each Supervisor
February 6, 2013
Page 3

We apologize for any confusion resulting from this effort. Should you or your staff have any questions regarding this matter, please contact Rita Robinson at (213) 893-2477, or via email at rrobinson@ceo.lacounty.gov.

WTF:RLR:os

Attachments

c: Executive Office, Board of Supervisors
County Counsel
Public Works



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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ATTACHMENT I

November 9, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

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BOARD MOTION OF JUNE 19, 2012, AGENDA ITEM NO. 48 REPORT ON LOS ANGELES COUNTY RESPONSE TO LARGE SCALE DISASTER DEBRIS REMOVAL EFFORTS

On June 19, 2012, the Board, on motion of Supervisor Mark Ridley-Thomas, instructed the Chief Executive Officer (CEO), in conjunction with the Department of Public Works (DPW), to report back as to whether a procurement process would be beneficial to identify a prime and secondary contractor that could handle clean-up efforts for a disaster with a projected clean-up cost of over \$100 million. The Board also directed that if a procurement process is found to be beneficial, a summary of the proposed procurement process is to be provided in the report.

For your reference, the Attachment provides information on potential non-County-procured resources that could be used in the event of a large-scale disaster event in our region. However, in the interest of ensuring that when the time comes for a clean-up effort that exceeds \$100 million, all resources, whether procured by the County or others, can be considered among the options prior to directing their expeditious deployment, we recommend that a list of pre-qualified contractors be identified. Indeed, the Federal Emergency Management Agency (FEMA) encourages local agencies to prequalify a list of potential contractors and then, using that list, solicit bids on a competitive basis. This pre-qualification procurement model allows the local agency to have a "bench" of well-qualified contractors pre-disaster and then develop a precise scope of work (e.g. geographic area of the County for the work, type of debris that will be handled, the location of disposal and recycling sites, etc.) post-disaster. Using this procurement model, the County is ensuring that:

- Bids will ultimately be coming from contractors that are fully capable and best qualified to perform the work;

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- A financial commitment in the order of magnitude above \$100 million is not being made. Rather, this encumbrance of contract authority would not be made until after the actual disaster event;
- Competition amongst these best qualified bidders will yield the most cost effective contract amount; and
- The contractor that is ultimately selected has agreed in advance that it will comply with applicable Federal, State, and local contracting requirements. It would also allow the County to clearly stipulate our contracting requirements and/or expectations such as small business participation in advance of a competitive bid solicitation.

To further reinforce the encouragement FEMA is giving to using a pre-qualification procurement model, FEMA has made it clear that it prohibits the selection of a debris removal contractor on a sole source basis as well as any cost bidding for work that is done with a scope of work that is not well defined and/or is predicated on a time and materials basis.

The Board's June 19, 2012, approval of ten (10) as-needed debris removal contractors represents an abundance of caution being exercised by DPW to further ensure that it continues to effectively and efficiently carry out its disaster-related debris removal responsibilities. DPW anticipates that in the next two months it will issue a pre-qualification solicitation for debris removal contractors for a potential event in excess of \$100 million. Depending on feedback, received from the California Emergency Management Agency and contractors, the "bench" of pre-qualified contractors could then be in place within the next six months. As noted above, one or more pre-qualified contractors would then be available for the County's subsequent (post-disaster) use at the time of awarding a competitively bid contract. DPW staff and the existing, as-needed contract disaster management consultants will be responsible for oversight/inspection of the work performed by the debris removal contractor(s).

Should you or your staff have any questions regarding this matter, Rita Robinson at (213) 893-2477 or rrobinson@ceo.lacounty.gov should be contacted.

WTF:RR
NH:CK:tlh

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Department of Public Works

Existing non-County-procured Debris Removal Resources

The following resources are available to the County in the event of a large scale disaster:

Mutual Aid

Established in 1989, the County has been a signatory to the Public Works Mutual Aid Agreement (PWMAA) among approximately 19 counties and 151 cities in California. From 1989 to the present, the County has averaged one natural disaster every two years. Although being requested by and providing mutual aid to other jurisdictions under the PWMAA, DPW has never been in a position of needing mutual aid assistance for debris removal or any of DPW's other responsibilities during the County's declared disasters. However, whether it has been necessary or not to utilize this resource, it is available to the County immediately upon request.

Direct Federal Assistance

If the need for these resources ever exceed their availability at the State and local level, i.e., a catastrophic disaster that renders a jurisdiction totally helpless, the Federal Government has the charge to send in the U.S. Army Corps of Engineers (USACE) to perform emergency work such as debris removal directly or contractually.

"In the event the impact of a disaster is so severe that neither the State nor local government can adequately respond, either by direct performance or by contract, the State may request that certain emergency work be performed directly by a Federal Agency, i.e., Direct Federal Assistance. Under the provisions of 44 CFR §206.208, FEMA through "Mission Assignments" may use appropriate Federal agencies (e.g., USACE) to perform or contract for it to be performed. The work to be performed must be eligible under the Stafford Act and Federal regulations, and is limited to (a) debris removal, (b) emergency protective measures..." [Public Assistance Guide, FEMA 332, page 76-77—June 2007].

This Direct Federal Assistance capability was designed to address the worst-case scenarios relative to local public agency performance and/or oversight of emergency work such as mass debris removal activities.

DRAFT



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
 ALHAMBRA, CALIFORNIA 91803-1331
 Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
 P.O. BOX 1460
 ALHAMBRA, CALIFORNIA 91802-1460

GAIL FARBER, Director

February 12, 2013

The Honorable Board of Supervisors
 County of Los Angeles
 383 Kenneth Hahn Hall of Administration
 500 West Temple Street
 Los Angeles, California 90012

Dear Supervisors:

**REQUEST FOR A STATEMENT OF QUALIFICATIONS FOR THE
 AS-NEEDED EMERGENCY DEBRIS REMOVAL SERVICES PROGRAM
 (ALL SUPERVISORIAL DISTRICTS)
 (3 VOTES)**

SUBJECT

This action is to authorize the resumption of the Request for a Statement of Qualifications for the As-Needed Emergency Debris Removal Services Program to manage and cleanup debris on the County rights of way in the event of a disaster with costs that exceed \$100 million.

IT IS RECOMMENDED THAT THE BOARD:

Authorize the Director of Public Works or her designee to resume the Request for a Statement of Qualifications for the As-Needed Emergency Debris Removal Services Program.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to resume the solicitation of a Request for a Statement of Qualifications (RFSQ) for contractors that could potentially carry out the cleanup of debris from the County rights of way, Los Angeles County Flood Control District rights of way, and any specified location within the borders of Los Angeles County, including city road rights of way where emergency debris removal is required in the event of a major disaster, such as an earthquake, when those costs are expected to exceed \$100 million.

On June 19, 2012, Item 48, the Board authorized the award of ten contracts for as-needed emergency debris removal services in an annual aggregate program sum of \$25 million.

Additionally, a motion by Supervisor Mark Ridley-Thomas was adopted that requested a report from the Chief Executive Officer (CEO) as to whether a procurement process would be beneficial to identify contractors based on their qualifications that would be available to perform debris removal services if there was a projected clean-up cost of over \$100 million.

The CEO and the Department of Public Works (Public Works) came to the conclusion, after reviewing the guidelines issued by the Federal Emergency Management Agency, that it would be beneficial to develop a list of qualified as-needed contractors that could perform debris removal work for an event with a projected clean-up cost in excess of \$100 million. Consequently, RFSQs have been issued. We have subsequently suspended the deadline for proposers to submit their responses pending authorization from the Board to resume the solicitation.

Once the RFSQs are evaluated on a pass/fail basis, Public Works will develop the list of qualified contractors. After a future disaster event with projected clean-up costs in excess of \$100 million, Public Works would send out a bid request as authorized by the Board to all of the qualified contractors which would include a specific work description and price sheets that have an identified quantity of debris, by type, to be removed along with additional requirements for the bids to be considered responsive and responsible. Some of the additional requirements may include, but are not limited to, submission of sealed bid prior to established deadline, bid bonds, performance bonds, payment bonds, and required/optional percentage utilization of small businesses.

The justification for issuing an RFSQ to generate a list of qualified contractors is that the County is ensuring that:

- Bids are ultimately coming from contractors that are fully capable and best qualified to perform the work.
- A financial commitment in excess of \$100 million is not being made at this time. Rather, this encumbrance of contract authority would not be made until the scope is fully identified and authorized by the Board. Such an authorization would only be possible after the future disaster event.
- The qualified contractors that ultimately receive a bid request will have agreed in advance that they will comply with all Federal, State, and local contracting requirements.
- Competition amongst the qualified contractors will yield the most cost effective contract amount.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1), Fiscal Responsibility (Goal 2), and Integrated Services Delivery (Goal 3). Identifying contractors who have the specialized expertise to provide these services accurately, efficiently, timely, and in a responsive manner as evidenced by meeting minimum specified qualifications will support Public Works in responding to a future large scale disaster event.

FISCAL IMPACT/FINANCING

There will be no impact to any County fund at this time. Rather, Public Works would be seeking the Board's authorization to enter into a contract(s) with the qualified contractors after a future disaster event with a projected clean-up cost over \$100 million. These contracts would then be awarded to the qualified responsible contractor that presents the lowest responsive bid in response to a future bid request.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Identifying qualified contractors will allow Public Works to ensure timely response to workload requirements during a future disaster. After a list of qualified contractors is identified, and when work is identified, Public Works will issue a bid request. A sample of the bid request is included in the RFSQ.

ENVIRONMENTAL DOCUMENTATION

The recommended action is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378(b) of the CEQA Guidelines. The proposed action, to resume the solicitation of a qualified list of as-needed contractors for anticipated future projects, is an administrative activity of government, which will not result in direct or indirect changes to the environment. We will return to the Board as necessary for consideration of appropriate environmental documentation pursuant to CEQA prior to commencement of any activities of the qualified contractors that may constitute a project.

CONTRACTING PROCESS

On December 24, 2012, Public Works issued an RFSQ to solicit proposals from contractors and community business enterprises interested in performing the work. The proposals, once received, will be evaluated on a pass/fail basis using minimum qualifications that are stated in the RFSQ. Also, a notice of the RFSQ was placed on the County's bid website, and an advertisement was placed in the Los Angeles Times.

On January 24, 2013, Public Works issued a notice that the RFSQ has been suspended.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The creation of a list of qualified contractors will provide for a more streamlined contracting process for emergency debris removal services.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works.

The Honorable Board of Supervisors

2/12/2013

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DRAFT

Respectfully submitted,

Gail Farber

GAIL FARBER

Director

GF:WJW:ad

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office